

PROB 12B
(12/98)

FILED
JAMES BONINI
CLERK

07 MAR 20 AM 10:06
U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

United States District Court

for

District of Southern Ohio

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: **Starrett Palmer**

Case Number: **CR-1-00-90(1)**

Name of Sentencing Judicial Officer: **The Honorable Sandra S. Beckwith
Chief United States District Judge**

Date of Original Sentence: **June 13, 2001**

Original Offense: **Conspiracy to Possess with Intent to Distribute Cocaine Base (Crack) and Cocaine**

Original Sentence: **63 month(s) prison, 60 month(s) supervised release**

Type of Supervision: **Term Of Supv Rel**

Date Supervision Commenced: **October 15, 2004**

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.
- ☒ To modify the conditions of supervision as follows: The offender shall complete up to a maximum of 90 days residential placement at the Mt. Airy Shelter, and participate in substance abuse treatment with the SAMS Program, provided by the Alcoholism Council of Greater Cincinnati. The offender shall comply with all the rules and regulations of that program, and follow all directives of the Probation Officer. He shall participate in group sessions, as well as voluntarily comply with any individual counseling offered by the program for substance abuse. Failure to complete the program in its entirety will result in a request for a violation hearing.

Upon completion of his residential placement at the Mt. Airy Shelter and upon the offender obtaining housing through the Goodwill Program, he shall complete 90 days home confinement with electronic monitoring, at the government's expense.

Additionally, the offender will pay the outstanding fine balance of \$900, in monthly installments of not less than \$30.00 per month, until paid in full. Payments will begin no later than April 16, 2007.

CAUSE

On September 4, 2006, the offender was cited in Cincinnati, Ohio at 1551 Cedar Avenue, and charged with Driving without a License and Expired Plates. Subsequently, on November 29, 2006, the offender failed to appear in Court, and a capias was issued for his arrest. On February 27, 2007, the offender voluntarily surrendered himself on the outstanding capias. On March 8, 2007, the offender was sentenced on Count A: Driving without a License, Criminal Case No.: /06/TRD/41341. The offender received 20 days in jail and \$84 costs. The remaining charge of Unauthorized License Plates was dismissed.

In addition to the above violation, on February 20, 2007, the offender was seen in the Probation Office. He submitted urinalysis specimen as directed. The specimen returned positive for cocaine. The offender admitted use of the illegal substance, as well as having operated a vehicle without a license.

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While he did initially advise this writer of his pending traffic charges in October 2006, he failed to follow this writer's instructions to resolve the traffic charges and report the outcome to the undersigned.

The offender stated that the reason he operated a vehicle without a license was because he needed to report to work, and had no other means of getting there. At the time he was cited, he was working as a replacement worker with AK Steel located in Middletown, Ohio. He acknowledged that his behavior was wrong.

The offender has also failed to make any regular fine payments since 2004. He indicated he had been sporadically employed and he also had child support payments that he was required to make. He is currently in arrears with his support payments, however, as a result of his recent conviction, he has been ordered by the Court (Hamilton County) to bring his child support payments into compliance.

Based on his willingness to admit his violation behavior and appropriate plan to address these unresolved issues, we would ask that the above requested modification be granted. The offender will have an opportunity to complete the Mt. Airy Shelter's program, followed by obtaining subsidized housing that will be funded by the Goodwill Program for a period of up to six months. He also will be required to secure adequate employment while at the shelter as well as participate in the substance abuse program offered by the Alcoholism Council of Greater Cincinnati. It is believed that this is a viable plan for the offender, and the sanction requested is proportionate and appropriate to sanction the noncompliant behavior.

Respectfully submitted,

by



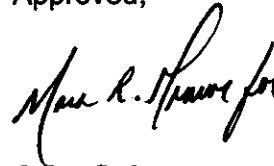
Michelle Merrett
U. S. Probation Officer

Date **March 16, 2007**

:

Approved,

by



John Cole
Supervising U. S. Probation
Officer

Date **March 16, 2007**

:

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


 Signature of Judicial Officer

 3/20/07
 Date

PROB 49

**UNITED STATES DISTRICT COURT
Southern District of Ohio**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

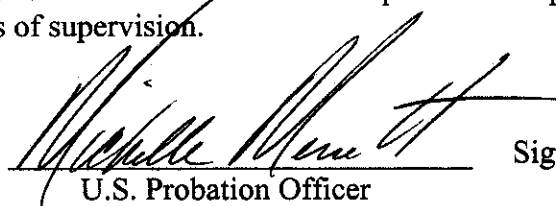
The offender will complete up to a maximum of 90 days residential placement at the Mt. Airy Shelter, and participate in the Substance Abuse Program with the SAMS Program, provided by the Alcoholism Council of Greater Cincinnati. The offender shall comply with all rules and regulations of that program, and follow all directives of the Probation Officer. He will participate in group sessions as well as voluntarily comply with any individual counseling offered by the program for substance abuse. Failure to complete the program in its entirety will result in a request for a violation hearing.

Following completion of his residential placement with the Mt. Airy Shelter, the offender shall complete 90 days home confinement with electronic monitoring, at the government's expense.

Additionally, the offender will pay monthly fine payments of no less than \$30.00 per month, until paid in full. To begin no later than April 16, 2007.

The above recommended sanction is requested in response to the offender's violation of his conditions of supervision.

Witness:


U.S. Probation Officer

Signed:

 3-15-07
Probationer or Supervised Releasee

March 15, 2007

DATE